

For Your Information

6/28/2013 | By [Eric P. Schwartz](#) and [M. Zuhdi Jasser](#) [\[i\]](#)

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As our nation debates immigration reform, it is time to consider reform of our system of dealing with asylum seekers.

For those seeking freedom and protection from religious or political persecution and other forms of oppression or violence, the United States remains a beacon of refuge — and the New York-New Jersey area, including Newark, among their key destinations.

Through the U.S. Refugee Admissions Program, the United States will admit and resettle up to 70,000 from around the world this year. Under this program, and in coordination with the United Nations High Commissioner for Refugees, U.S. officials adjudicate cases overseas. Before being admitted, these applicants undergo thorough security and medical screenings.

The United States receives more asylum applications — requests for protection from people who are already here but weren't initially admitted through our Refugee Admissions Program — than any other country. Last year alone, America granted asylum to more than 29,000 asylees.

They often are held in jail-like facilities in remote places and lack adequate access to legal counsel.

While the administration has recognized that this situation is not acceptable and has sought to improve the plight of asylum seekers awaiting disposition of their claims, more needs to be done.

These are the conclusions of a report released in April by the U.S. Commission on International Religious Freedom, on which we serve.

The report was based on what our staff members saw and heard between July and December 2012, when they toured 10 detention facilities across the nation — including one in Newark —

and met with officials and asylum seekers alike. The goal was to assess whether the Immigration and Customs Enforcement Agency, a division of the U.S. Department of Homeland Security, had implemented reforms promised in 2009 and consistent with USCIRF's recommendations in 2005.

The good news is that ICE is housing more asylum seekers under nonpenal conditions. The bad news is that only 4,000 of its 33,400 detention beds are in such facilities.

Outside of these locations, USCIRF found that asylum seekers still face difficult conditions. Typically, they are granted little or no freedom of movement or privacy. Forced to don prison-like jumpsuits, those who have committed no crime face the forbidding presence of armed guards, barbed wire and constant monitoring.

For those whose persecution under dictatorial regimes frequently included jail time, the traumatizing impact of such confinement in the United States should be of the deepest concern to all Americans.

Worse, according to the advocacy group Human Rights First, 40 percent of ICE's current bed space is situated more than 60 miles from an urban center. These remote locales make it hard for asylum seekers to obtain legal advice while detained. Lack of counsel harms not just applicants, but the entire system, because cases become far more time-consuming and difficult to resolve.

Our government must fix this broken asylum detention system. As USCIRF recommended, ICE issued a directive in 2009 to parole asylum seekers who posed no threat to America but face a credible danger of severe mistreatment by their home countries if returned. ICE should codify that directive into regulations, while continuing to document and monitor parole decisions.

Equally important, even where confinement is necessary, asylum applicants who have not committed crimes should not be housed in penal-like settings. And ICE should also ensure that detainees have access to legal information and representation.

Clearly, the status quo is unacceptable. It conflicts with our deepest values and those of the souls who voted with their feet to embrace them.

The United States has provided refuge for millions fleeing persecution worldwide, demonstrating its compassionate spirit. We should be ever more determined to make our system of asylum worthy of our cherished ideals.

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To interview a USCIRF Commissioner please contact USCIRF at (202) 523-3258 or media@uscirf.gov.